IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 16556 of 2004

Between:

1 Ayanapurapu Venkata Ramana Rao, s/o late Chandrasekhara Rao,
r/o H.No.2-42, Railway Station Road, Madhira, Khammam District.
2 Ayanapurapu Lakshmi Devi, w/o late Chandrasekhara Rao,
r/o H.No.2-42, Railway Station Road, Madhira, Khammam District.
3 Ayanapurapu Sivarama Rao, s/o late Chandrasekhara Rao,
r/o H.No.2-42, Railway Station Road, Madhira, Khammam District.
4 Ayanapurapu Lalitha Devi, d/o late Chandrasekhara Rao,
r/o H.No.2-42, Railway Station Road, Madhira, Khammam District.
5 Ayanapurapu Hari Babu, s/o late Chandrasekhara Rao,
r/o H.No.2-42, Railway Station Road, Madhira, Khammam District.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, rep., by its Chief Secretary,

Govt. of Andhra Pradesh, Secretariat Buildings, Hyderabad.
2 The Principal Secretary, Roads and Buildings Department,
Government of Andhra Pradesh, Secretariat Buildings, Hyderabad.
3 The Principal Secretary, Finance Department,
Government of Andhra Pradesh, Secretariat Buildings, Hyderabad.
4 Assistant Executive Engineer (R&B) Section, Madhira, Khammam

District.
5 Mr.T.D.Anand Rao, s/o T.Gurappa,
(R&B) Section, Madhira, Khammam District.
6 The Mandal Revenue Officer, Madhira Mandal, Madhira,

Khammam District.
7 The Station House Officer, Madhira Town Police Station, Madhira, Khammam District.
8 The Secretary, Gram Panchayat, Madhira, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly in the nature of mandamus to declare that the acts of respondent No.4 herein demolition part of property of petitioners bearing D.No.2-42 Railway Station Road, Madhira, Khammam District without due process of law as illegal, arbitrary, unreasonable violative of Articles 14, 21 and 300A of Constitution of India to declare that inaction of respondent No.2 initiate disciplinary proceedings under Andhra Pradesh Civil Services (Classification Control and Appeals) Rules 1991 against the respondent No.5 herein for such illegal demolition of part of the property of petitioners in pursuance of legal notice dated 18-6-2004 as arbitrary, illegal, contrary to public law and violative Article 14 of Constitution of India and direct respondent No.2 to initiate action in pursuance of the legal Notice dt.18-6-2004 under A.P. Civil Services (CCA) Rules 1991 against respondent No.5 to direct the respondents 1 to 3 to pay Rs.1,80,000/- (Rupees One Lakh and Eighty thousand only) as compensation to the petitioners in pursuance of the legal notice dt.18-6-2004 for illegal acts of respondent No.4 in demolition of part of property of the petitioners under public law Remedy.

Counsel for the Petitioner: MR.G.KRISHNA MURTHY

Counsel for the Respondents: GP FOR ROADS & BUILDINGS

The Court at the stage of admission made the following:

HONOURABLE MR.JUSTICE K.C.BHANU

WRIT PETITION NO.16556 OF 2004

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ORDER:

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The learned counsel for the petitioner fairly submitted that a direction cannot be given for the first prayer i.e., with regard to the initiation of disciplinary proceedings is concerned. But whereas the second prayer i.e., with regard to the damages is concerned a leave may be granted to the petitioner to seek appropriate relief from the competent forum.

2 . Heard the learned Government Pleader for Roads and Buildings appearing for the respondents.

3. On considering the submissions made by the learned counsel for the petitioner, the writ petition is disposed of granting liberty to the petitioner to avail such remedies, which are available under law for claiming damages.

4. Accordingly, the Writ Petition is disposed of. No order as to costs.

13th December, 2004. ----------

SKM K.C.BHANU, J

TO

1 The Chief Secretary, Government of Andhra Pradesh,

Secretariat Buildings, Hyderabad.
2 The Principal Secretary, Roads and Buildings Department,
Government of Andhra Pradesh, Secretariat Buildings, Hyderabad.
3 The Principal Secretary, Finance Department,
Government of Andhra Pradesh, Secretariat Buildings, Hyderabad.
4 Assistant Executive Engineer (R&B) Section, Madhira, Khammam

District.
5 The Mandal Revenue Officer, Madhira Mandal, Madhira,
Khammam District.
6 The Station House Officer, Madhira Town Police Station,
Madhira, Khammam District.
7 The Secretary, Gram Panchayat, Madhira, Khammam District.

8 Two C.Cs. to G.P. for Roads and Buildings, High Court Buildings,

High Court of A.P., Hyderabad (OUT)

9 Two C.D. Copies.